IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 2884 OF 2005

Date: 09.08.2005

BETWEEN:

The Toddy Tappers Cooperative Society,

Kothakotavillage and Mandal, Mahaboobnagar District.

Rep. by its President A. Janardhan Goud

…. PETITIONER

Vs.

The Prohibition and Excise Superintendent,

Mahaboobnagar District, at Mahaboobnagar.

…. RESPONDENT

ORDER:

The Toddy Tappers Cooperative Society, Kothakotavillage and Mandal, Mahaboobnagar District, assails the proceedings dated 15.1.2005 issued by the respondent canceling the licence issued to it. Be it noted, the petitioner-society was issued licence No.4 for establishment of Toddy Depot and licence Nos.46 and 47 for establishment of Toddy shops. This writ petition is filed on the ground that when the three licences are distinct, and the alleged violation is in respect of one licence, other two licences cannot be cancelled without due process of law. Reliance is placed on the judgment of this Court in ***T. Laxman Goud v. Excise Superintendent, Adilabad and another***.

This Court while ordering Notice Before Admission suspended the impugned proceedings. The respondent has now moved this Court for vacating the said interim suspension order. It is brought to the notice of this Court that against the orders of the respondent an effective, efficacious alternative remedy by way of appeal under Section 63(1) of the A.P. Excise Act, 1968 (for short 'the Act'). The same is not disputed by counsel for the petitioner.

Therefore, the Writ Petition is disposed of giving liberty to the petitioner to approach the jurisdictional Deputy Commissioner of Excise under Section 63(1) of the Act to enable the petitioner to obtain appropriate interim orders. The order of suspension passed by this Court shall continue for a period of two weeks. The petitioner may approach the Deputy Commissioner of Excise and file appeal within a period of one week from the date of receipt of a copy of this order. No costs.

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V.V.S. RAO, J.

8th August, 2005

Note: Office is directed to dispatch

a copy of this order by

11.8.2005

B/o.

Js.